

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of : Customer Number: 31824
Edward Z. NOWAK, et al. : Confirmation Number: 6240
Application No.: 10/701,293 : Tech Center Art Unit: 1618
Filed: November 03, 2003 : Examiner: Humera N. Sheikh
For: DELIVERY CAPSULES
Mail Stop Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated January 22, 2008 of the Primary Examiner finally rejecting claims 15 to 50.

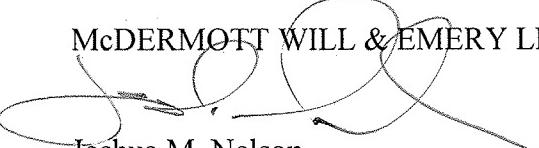
Appeal Fee: \$255.00

- Not required (fee paid in prior appeal in this application).
 Charge to Deposit Account No. 502203.
 Check Enclosed.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502203 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


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Date: July 22, 2008

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**Please recognize our Customer No. 31824
as our correspondence address.**